



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAMES F. SMALL, Regional Director
for Region 21 of the National Labor
Relations Board, for, and on behalf of,
the NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

OPERATIVE PLASTERERS' &
CEMENT MASONS'
INTERNATIONAL ASSOCIATION,
LOCAL 200, AFL-CIO,

Respondent.

Case No. ED CV 08-01039-SGL(OPx)

ORDER Granting Petition for
Temporary Injunction under Section
10(ℓ) of the National Labor Relations
Act, as amended (29 U.S.C. § 160(ℓ))
Pending Final Disposition by the
National Labor Relations Board

This case came to be heard on September 15, 2008, at 10:00 a.m. on the
verified petition of Petitioner James F. Small, Regional Director of Region 21 of
the National Labor Relations Board (“the Board”) for a temporary injunction
pursuant to Section 10(ℓ) (29 U.S.C. § 160(ℓ)) of the National Labor Relations
Act, as amended (“the Act”), pending the final disposition of the matters involved
before the Board. Upon consideration of all papers, evidence, and arguments in this
matter, the Court has found that there is a likelihood that Respondent has engaged

1 in and is engaging in, acts and conduct in violation of Section 8(b)(4)(ii)(D) (29
 2 U.S.C. § 158(b)(4)(ii)(D)) of the Act, and that such conduct affects commerce
 3 within the meaning of Section 2(6) and (7) of the Act, and that such acts and
 4 conduct will likely be repeated or continued unless enjoined.

5 Now, therefore, upon the entire record, it is ORDERED that the Petition for
 6 Temporary Injunction Pending Final Disposition by the Board is GRANTED, and
 7 that pending final disposition of unfair labor practice cases 21-CD-659, 21-CD-
 8 660, and 21-CD-661 by the Board, the Court hereby ORDERS that:

9 1. Operative Plasterers' and Cement Masons' International Association,
 10 Local 200, AFL-CIO, ("Respondent"), its officers, representatives, agents,
 11 employees, attorneys, and all persons acting in concert with it are affirmatively
 12 ordered to:

13 (a) cease and desist from prosecuting its lawsuit in *Jose DeLeon*
 14 *and David Diaz, et al. v. Standard Drywall, Inc., et al.*, Case RIC428011, currently
 15 pending in Superior Court of California, County of Riverside, or from assisting
 16 others in prosecuting this lawsuit, pending the Board's final disposition of the
 17 unfair labor practice cases;

18 (b) cease and desist from prosecuting its lawsuit and appeal in
 19 *Plasterers Local Union No. 200 of the Operative Plasterers' and Cement Masons'*
 20 *International Association, AFL-CIO v. Southwest Regional Council of Carpenters;*
 21 *Standard Drywall, Inc., et al.*, Case BC371053, Superior Court of California,
 22 County of Los Angeles, currently on appeal in Case B210329, Court of Appeal of
 23 the State of California, Second Appellate District (filed 08/22/2008), pending the
 24 Board's final disposition of the unfair labor practice cases;

25 (c) cease and desist, in any manner or by any means, threatening,
 26 coercing, or restraining Standard Drywall, Inc., where an object thereof is to force
 27 or require Standard Drywall, Inc. to assign plastering work in the 12 Southern
 28 California Counties, namely, Los Angeles, Orange, San Bernardino, Riverside,

1 Imperial, Ventura, Santa Barbara, San Luis Obispo, Kern, Inyo, Mono, and San
2 Diego, to employees who are members of, or represented by, Respondent, rather
3 than to employees who are members of, or represented by, Southwest Regional
4 Council of Carpenters, United Brotherhood of Carpenters and Joiners of America,
5 and its affiliated Local Unions, pending the Board's final disposition of the unfair
6 labor practice cases;

7 (d) file a copy of the Court's Order Granting the Petition for
8 Temporary Injunction with the Superior Court of California, County of Riverside,
9 in Case RIC428011, Superior Court of California, County of Los Angeles, in Case
10 BC371053, and with the Court of Appeal of the State of California, Second
11 Appellate District in Case B210329; and

12 (e) within 20 days of the issuance of the Court's Order, file with
13 the Court, with a copy served on Petitioner, a sworn affidavit from a responsible
14 official, setting forth with specificity the manner in which Respondent has
15 complied with the terms of the Court's Order Granting the Petition for Temporary
16 Injunction, and which includes copies of appropriate documents filed with the
17 Superior Court of California, County of Riverside, Superior Court of California,
18 County of Los Angeles, and with the Court of Appeal of the State of California,
19 Second Appellate District.

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1 2. That this case shall remain on the docket of this Court and upon
2 compliance by Respondent with its obligations undertaken hereto, and upon
3 disposition of the unfair labor practice cases pending before the Board, the
4 Petitioner shall cause this proceeding to be dismissed.

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6 IT IS SO ORDERED.

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8 Dated: September 30, 2008



9 Stephen G. Larson
10 United States District Judge

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12 Presented by:

13
14 /s/ Patrick J. Cullen

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16 Patrick J. Cullen
17 Attorney for Petitioner
18 National Labor Relations Board
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